

FOR THE SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED

DOC#:

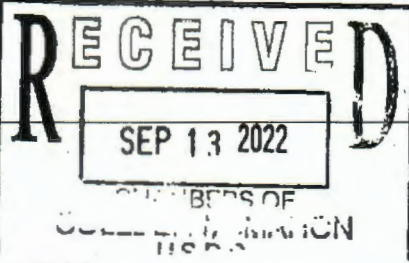
FILED: 10/24/2024

MARLON Campbell

MOVANT

V.

UNITED STATES OF AMERICA



Case Number 14CV 0438 (CM)

OR

19-3436

MOVANT'S MOTION FOR "SUPPLEMENT" FOR THE COURT TO AMEND

TO HIS SUCCESSIVE OR SECOND MOTION TO VACATE, PURSUANT TO 28 U.S.C. 2244(b), 2255 (c)

MOVANT, PRO SE, RESPECTFULLY REQUEST FOR THIS COURT TO AMEND THE SUPREME COURT CASE "TAYLOR" OUT OF THE FOURTH CIRCUIT THAT PASS ON JUNE 21, 2022. "TAYLOR" IS A STATUTORY-INTERPRETATION CASE THAT THE COURT USE TO APPLIES A "CATEGORICAL APPROACH" TO DETERMINE WHETHER A FEDERAL FELONY MAY SERVE AS A PREDICATE FOR A CONVICTION AND SENTENCE UNDER THE ELEMENTS CLAUSE WHICH IS, HAS AS AN ELEMENT THE USE, ATTEMPTED USE, OR THREATENED USE OF PHYSICAL FORCE "924(C)(3)(A)

ARGUMENT

MEMO ENDORSED

THE RELEVANT INQUIRY IS NOT HOW ANY PARTICULAR DEFENDANT MAY COMMIT THE CRIME BUT WHETHER THE FEDERAL FELONY AT ISSUE ALWAYS REQUIRES THE GOVERNMENT TO PROVE BEYOND A REASONABLE DOUBT, AS AN ELEMENT OF ITS CASE, THE USE, ATTEMPTED USE, OR THREATENED USE OF FORCE. WHICH I ARGUE ON THE BEHALF OF MY 924(C), 924(B) IN MY "BORDEN" CLAIM, "TAYLOR" ALSO FAR-REACH IMPLICATIONS FOR "INCHOATE" CRIMES THAT ARE USED AS A PREDICATE "CRIME OF VIOLENCE" SUCH AS CONSPIRACY, "AIDING AND ABETTING" WHICH I WAS CONVICTED FOR, NOW MOVANT ASKING THIS COURT TO AMEND THIS NEWLY SUPREME COURT CASE "TAYLOR NO. 20 1459" TO MY "BORDEN" CLAIM

10/24/2024

22-0174

Motion is denied as moot. The Court of Appeals denied the defendant's motion to file a successive 2255 motion on January 9, 2023. (SEE doc 36). The Clerk is to terminate open motions at: doc. 35 of 14CV 438 (CM); and ② doc 212 of 06 CR 41 (CM).

Cullen McNeil

Copies mailed / faxed / handed to counsel on / /

Standard

A Motion to amend is analyzed under the standard set forth in Federal Rule of Civil procedure 15(a). See Ching v. United States 298 F.3d, 180 (2d Cir 2002). Rule 15(a) provides that "Leave (to amend) shall be freely given when Justice so requires." Fed. R. Civ. P. 15(a).

CERTIFICATE OF SERVICE

I certify that on August 29 2022 that I marked a true and correct copy of this Motion to Amend pursuant to 15(a)(c) to the Court and to the United States Attorneys Office of the Southern District of New York whose address is on St. Andrew's Plaza, New York, NY 1007-1703

M. Campbell.

Marion Campbell

#55062-054

USP Pollock

P.O. Box 2099

Pollock, LA 71467

SHREVEPORT LA 710

8 SEP 2022 PM 2 L



MARLOW Campbell
#55062-054
USP Pollock
PO Box 2099
Pollock LA, 71467

To: Colleen McMahon
District Judge
United States Courthouse
500 PEARL street
New York, New York 10007

RECEIVED
SDNY PRO SE OFFICE
2022 OCT 24 AM 10:22

10007-131659

